

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

HODGSON RUSS LLP

Erin N. Teske, Esq.

605 Third Avenue, Suite 2300

New York, New York 10158

Telephone: (212) 751-4300

Email: eteske@hodgsonruss.com

HODGSON RUSS LLP

James C. Thoman, Esq. (*pro hac vice* pending)

140 Pearl Street, Suite 100

Buffalo, New York 14202

Telephone: (716) 856-4000

Email: jthoman@hodgsonruss.com

Counsel for Benchmark-Clarence Associates, LLC
and SRK Lady Lake 21 SPE, LLC

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.¹

Case No.: 23-13359 (VFP)

Chapter 11

Judge: Hon. Vincent F. Papalia

**CERTIFICATION OF JAMES C. THOMAN IN SUPPORT OF
APPLICATION FOR ADMISSION *PRO HAC VICE***

I, James C. Thoman, do hereby state that:

1. I am an attorney with the law firm of Hodgson Russ LLP, counsel
to Benchmark-Clarence Associates, LLC (“Benchmark”) and SRK Lady Lake 21 SPE,

¹ The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor’s tax identification number may be obtained on the website of the Debtors’ claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

LLC (“SRK,”) and maintain an office at 140 Pearl Street, Suite 100, Buffalo, New York 14202, among other locations.

2. I am admitted to the bar of the State of New York (2003), and the United States District Courts for the Northern, Southern, Eastern, and Western Districts of New York.

3. I am a member in good standing of all the courts of the State of New York, and the United States District Courts for the Northern, Southern, Eastern, and Western Districts of New York.

4. There are no disciplinary proceedings pending against me and no discipline has been imposed against me during the five-year period preceding this Application in any jurisdiction.

5. Erin N. Teski, a Partner in our firm, has appeared as counsel of record for Benchmark and SRK and shall be local counsel upon whom all notices, orders, and pleadings shall be served.

6. I am in possession of a copy of the District of New Jersey’s Local Civil Rules and Local Bankruptcy Rules and have generally reviewed same.

7. I understand and agree that, upon my admission *pro hac vice*, I will be bound by the Rules of this Court, including all applicable disciplinary rules, and I will notify this Court immediately of any matter affecting my good standing before the bar of any jurisdiction.

8. I have made no prior oral or written application to be admitted to this Court in connection with these Chapter 11 cases.

WHEREFORE, it is respectfully requested that this Court grant my request to appear *pro hac vice* as counsel to Benchmark and SRK in connection with these Chapter 11 cases and any related proceeding.

Dated: June 26, 2023

/s/ James C. Thoman
James C. Thoman